United Nations S/2011/395

Security Council

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The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated 27 June 2011 (S/2011/392), attaching a letter from the President of the International Tribunal for the former Yugoslavia ("the International Tribunal") dated 8 June 2011,

Recalling its resolutions 827 (1993) of 25 May 1993, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, and its previous resolutions concerning the International Tribunal,

Recalling in particular its resolution 1966 (2010) of 22 December 2010 by which the Security Council established the International Residual Mechanism for International Tribunals ("the Mechanism") and requested the International Tribunal to take all possible measures to expeditiously complete all its remaining work no later than 31 December 2014, prepare its closure and ensure a smooth transition to the Mechanism,

Taking note of the assessment by the International Tribunal in its Completion Strategy Report (S/2011/316),

Recalling that in resolution 1931 (2010) of 29 June 2010 the Security Council underlined its intention to extend, by 30 June 2011, the terms of office of the trial judges at the International Tribunal based on the Tribunal's projected trial schedule, and requested the President of the International Tribunal to submit to the Council an updated trial and appeals schedule, and *taking note* of the updated trial and appeals schedule submitted by the President of the International Tribunal,

Noting the concerns expressed by the President of the International Tribunal about staffing, and *reaffirming* that staff retention is essential for the timely completion of the International Tribunal's work,

Noting with concern the risk that there will be insufficient capacity for the enforcement of sentences imposed by the International Tribunal,

Urging the International Tribunal to take all possible measures to complete its work expeditiously as requested in resolution 1966 (2010),

Acting under Chapter VII of the Charter of the United Nations,

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Please recycle

1. *Decides* to extend the term of office of the following permanent judges at the International Tribunal, who are members of the Trial Chambers, until 31 December 2012 or until the completion of the cases to which they are assigned, if sooner:

- Jean-Claude Antonetti (France)
- Guy Delvoie (Belgium)
- Burton Hall (The Bahamas)
- Christoph Flügge (Germany)
- O-Gon Kwon (South Korea)
- Bakone Justice Moloto (South Africa)
- Howard Morrison (United Kingdom)
- Alphons Orie (The Netherlands)

2. *Decides* to extend the term of office of the following ad litem judges at the International Tribunal, who are members of the Trial Chambers, until 31 December 2012 or until the completion of the cases to which they are assigned, if sooner:

- Melville Baird (Trinidad and Tobago)
- Elizabeth Gwaunza (Zimbabwe)
- Frederik Harhoff (Denmark)
- Flavia Lattanzi (Italy)
- Antoine Kesia-Mbe Mindua (Democratic Republic of Congo)
- Prisca Matimba Nyambe (Zambia)
- Michèle Picard (France)
- Árpád Prandler (Hungary)
- Stefan Trechsel (Switzerland)

3. *Reaffirms* the necessity of trial of persons indicted by the International Tribunal and reiterates its call on all States, especially the States of the former Yugoslavia, to intensify cooperation with and render all necessary assistance to the International Tribunal, and in particular calls for the arrest of Goran Hadzic;

4. *Reiterates* the importance of the International Tribunal being adequately staffed to complete its work expeditiously and *calls upon* relevant United Nations bodies to intensify cooperation with the Secretariat and the Registrar of the International Tribunal and to take a flexible approach in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work, and at the same time *calls upon* the International Tribunal to renew its efforts to focus on its core functions;

5. *Commends* States that have concluded agreements for the enforcement of sentences of persons convicted by the International Tribunal or have otherwise accepted such convicted persons to serve their sentences in their territories, and *calls upon* States to renew their commitment to the enforcement of sentences and to look positively on requests from the International Tribunal in this regard;

6. *Further calls* upon States that have not concluded agreements for the enforcement of sentences of persons convicted by the International Tribunal or otherwise accepted such convicted persons to serve their sentences in their

respective territories and that are able to do so to consider concluding these agreements or accepting such persons;

7. *Decides* to remain seized of the matter.